

<b>22 February 2022</b>		<b>ITEM: 5</b>
<b>Licensing Committee</b>		
<b>CCTV in Hackney Carriages and Private Hire Vehicles</b>		
<b>Wards and communities affected:</b> All	<b>Key Decision:</b> Key	
<b>Report of:</b> Paul Adams, Licensing Manager		
<b>Accountable Assistant Director:</b> Leigh Nicholson, Assistant Director Planning, Transport and Public Protection		
<b>Accountable Director:</b> Julie Rogers, Director of Public Realm		
<b>This report is:</b> Public		

## **Executive Summary**

This report considers the existing the existing policy in relation to the use of CCTV in Hackney Carriage and Private Hire Vehicles, in line with the DFT Statutory Taxi and Private Hire Vehicle Standards which sets out the minimum standards for licensing authorities to apply with regards to certain aspects of taxi licensing, including the use of CCTV.

### **1. Recommendation(s)**

#### **1.1. That the Committee either–**

- (a) Agrees to keep in place the existing policy that the installation of CCTV in a licensed vehicle is at the discretion of the vehicle proprietor.**
- (b) Agrees to go out to consultation to identify if there are local circumstances which indicate that the installation of CCTV in vehicles would have either a positive or an adverse net effect on the safety of taxi and private hire vehicle users for further consideration by this committee.**

### **2. Introduction and Background**

- 2.1** In July 2020 the Department for Transport published its Statutory Taxi and Private Hire Vehicle Standards which sets out the minimum standards for licensing authorities to apply with regards to certain aspects of taxi licensing. The main aspects of the standards have been considered by the Licensing Committee previously, with the exclusion of CCTV in vehicles.

2.2 The use of CCTV in licensed vehicles is permitted In Thurrock Council's current Hackney Carriage and Private Hire Vehicle Specifications and Licence Conditions. The condition for both vehicle types provides:

- A proprietor of a licensed HC/PH vehicle will be permitted to install CCTV provided that the CCTV complies with all legal requirements (please see appendix for further guidance)

2.3 Thurrock currently has 250 licensed vehicles. It is estimated that a small proportion of these vehicles have inward facing CCTV systems installed. A record is made of CCTV installation on the vehicle inspection form, this information is not recorded in a searchable format so numbers of vehicles with CCTV installed can not be easily collated.

2.4 A copy of the CCTV Guidance can be found at **Appendix 1**. The guidance covers the following general areas:

- The purpose of CCTV
- The installation must not interfere with the safe operation of the vehicle.
- The CCTV must be fitted safely and securely and in line with manufactures instructions
- Audio recording is not permitted, limited exceptions are provided.
- How images are stored and used.
- Other Information Commissioner and GDPR requirements.
- Signage required.

2.5 It is important to note that these conditions do not mandate that CCTV has to be fitted but are applicable if the vehicle proprietor feels there is an adequate purpose to have the CCTV installed.

### **3. Issues, Options and Analysis of Options**

3.1 The Department for Transport Statutory Taxi and Private Hire Vehicle Standards at Sections 7.7 – 7.13 provides:

Government has acknowledged the potential risk to public safety when passengers travel in taxis and private hire vehicles. It is unfortunately the case that no matter how complete the information available to licensing authorities is when assessing whether to issue any taxi or private hire vehicle licence, nor how robust the policies in place are and the rigor with which they are applied, it will never completely remove the possibility of harm to passengers by drivers.

The Department's view is that CCTV can provide additional deterrence to prevent this and investigative value when it does. The use of CCTV can provide a safer environment for the benefit of taxi/private hire vehicle passengers and drivers by:

- deterring and preventing the occurrence of crime;
- reducing the fear of crime;
- assisting the police in investigating incidents of crime;
- assisting insurance companies in investigating motor vehicle accidents.

All licensing authorities should consult to identify if there are local circumstances which indicate that the installation of CCTV in vehicles would have either a positive or an adverse net effect on the safety of taxi and private hire vehicle users, including children or vulnerable adults, and taking into account potential privacy issues.

While only a small minority of licensing authorities have so far mandated all vehicles to be fitted with CCTV systems, the experience of those authorities that have has been positive for both passengers and drivers. In addition, the evidential benefits of CCTV may increase the level of reporting of sexual offences. According to the Crime Survey for England and Wales only 17 percent of victims report their experiences to the police, 28 percent of rape or sexual assault victims indicated that a fear they would not be believed as a factor in them not reporting the crime. The evidential benefits CCTV could provide are therefore an important factor when considering CCTV in vehicles.

The mandating of CCTV in vehicles may deter people from seeking a taxi or private hire vehicle licence with the intent of causing harm. Those that gain a licence and consider perpetrating an opportunistic attack against a vulnerable unaccompanied passenger may be deterred from doing so. It is however unfortunately the case that offences may still occur even with CCTV operating.

CCTV systems that are able to record audio as well as visual data may also help the early identification of drivers that exhibit inappropriate behaviour toward passengers. Audio recording should be both overt (i.e., all parties should be aware when recordings are being made) and targeted (i.e., only when passengers (or drivers) consider it necessary). The recording of audio should be used to provide an objective record of events such as disputes or inappropriate behaviour and must not be continuously active by default and should recognise the need for privacy of passengers' private conversations between themselves. Activation of the audio recording capability of a system might be instigated when either the passenger or driver operates a switch or button.

Imposition of a blanket requirement to attach CCTV as a condition to a licence is likely to give rise to concerns about the proportionality of such an approach and will therefore require an appropriately strong justification and must be kept under regular review. More information and guidance on assessing the impacts of CCTV and on an authority mandating CCTV is annexed to this document. A Copy of the guidance is attached as **Appendix 2**.

- 3.2 The Guidance highlights that where licensing authorities mandates the installation of CCTV systems in taxis and Private hire vehicles, the licensing authority will be responsible for the data – the data controller.
- 3.3 In order for the council to meet its obligations as a data controller, the specification, installation and operation of any system must be sufficient to comply with all GDPR requirements and is likely to require a cloud-based system. An approximate cost for a typical compliant cloud-based system per unit would be:

- Purchase and installation of equipment: £1,100 per vehicle
- Annual operating costs for vehicle: £150 per year
- Transfer to another vehicle £300.

These costs would have to be borne by the vehicle licence holder unless funding could be obtained.

- 3.4 In addition to the costs for each unit there would be additional cost for the council annually to maintain and administer the system of approximately £100 per unit operated as well as an additional staffing resource requirement within the licensing team of up to one FTE post.
- 3.5 It may be possible that if the Council wishes to recover some costs associated with the installation of CCTV in its licensed vehicles it may be possible, at least in part, to do so by way of a charge on the driver licence fee.
- 3.6 It is known from the outcome of various consultations in other areas and anecdotally that the mandatory introduction of CCTV is likely to be opposed by a good proportion of the trade; a large percentage oppose it on the basis of cost and a smaller number on the basis that it is an invasion of privacy. It is important that the Council has a strong case for its introduction backed by a good evidential base to support its case.
- 3.7 Guidance provides that all licensing authorities should consult to identify if there are local circumstances which indicate that the installation of CCTV in vehicles would have either a positive or an adverse net effect on the safety of taxi and private hire vehicle users, including children or vulnerable adults, and taking into account potential privacy issues.

#### **4. Reasons for Recommendation**

- 4.1 It is a decision for each Local Authority to mandate or not the installation of CCTV. If the consideration of mandating CCTV installation is considered, consultation must be undertaken to consider if it is justified and proportionate.

## **5. Consultation (including Overview and Scrutiny, if applicable)**

- 5.1 Guidance provides that all licensing authorities should consult to identify if there are local circumstances which indicate that the installation of CCTV in vehicles would have either a positive or an adverse net effect on the safety of taxi and private hire vehicle users, including children or vulnerable adults, and taking into account potential privacy issues.
- 5.2 If consultation is undertaken it will be important to seek views of all stakeholders which should include Hackney Carriage and Private Hire licence holders, Essex Police, Thurrock Community Safety Partnership, local victim support organisations, Thurrock Councils Data Management Team and ICT team.
- 5.3 The results of any consultation would be reported back to this committee for consideration.

## **6. Impact on corporate policies, priorities, performance and community impact**

- 6.1 None.

## **7. Implications**

### **7.1 Financial**

Implications verified by: **Laura Last**  
**Senior Management Accountant**

The indicative costs of making CCTV mandatory in taxis are estimated as a one-off capital bid of c£275k plus an ongoing revenue budget of c£100k per year. All capital funding is subject to a successful capital bid and any increase in revenue budget would need to be met from the wider directorate budgets.

Whilst it may be possible to offset some of these additional costs through licensing fees, these have a cap set by government and it is likely there would still be a substantial residual cost to the council. In addition, consideration must be given to the fact that the council does not currently have a balanced budget for financial year 23/24 onwards with substantial savings still to find. Any increase to revenue budgets would further increase the amount to be found through savings

## 7.2 Legal

Implications verified by: **Simon Scrowther**  
**Principal Lawyer**

The mandating of CCTV in licensed vehicles is at the council's discretion. The report highlights the implications and responsibilities under GDPR which as the Data Controller.

Imposition of a blanket requirement to attach CCTV as a condition to a licence is likely to give rise to concerns about the proportionality of such an approach and will therefore require an appropriately strong justification and must be kept under regular review.

## 7.3 Diversity and Equality

Implications verified by: **Roxanne Scanlon**  
**Community Engagement and Project**  
**Monitoring Officer, Community**  
**Development and Equalities.**

If the consideration is given to making CCTV mandatory in licensed vehicles, consultation should be undertaken to seek the views of all stakeholders. This consultation will help identify any positive or negative effects to service users, including groups such as children, vulnerable adults or those with a protected characteristic as defined by the Equalities Act 2010..

## 7.4 Other implications (where significant) – i.e. Staff, Health Inequalities, Sustainability, Crime and Disorder, and Impact on Looked After Children

- None

## 8. Background papers used in preparing the report (including their location on the Council's website or identification whether any are exempt or protected by copyright):

- Statutory Taxi and Private Hire Standards.
- IOL Guidance on determining the suitability of applicants and licensees in the hackney and private hire trades.

## 9. Appendices to the report

- **Appendix 1** – Thurrock Council CCTV guidance
- **Appendix 2** – Department for Transport Statutory Taxi and Private Hire Vehicle Standards CCTV Guidance.

### Report Author:

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